

LEGISLATURE OF NEBRASKA  
NINETY-EIGHTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 951**

Introduced by Business and Labor Committee:  
Vrtiska, 1, Chairperson; Burling, 33; Combs, 32;  
Kremer, 34; Preister, 5

Read first time January 9, 2004

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to employment security law; to amend section  
2 48-627, Reissue Revised Statutes of Nebraska; to change  
3 provisions relating to availability for work; and to  
4 repeal the original section.  
5 Be it enacted by the people of the State of Nebraska,

1                   Section 1.   Section 48-627, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   48-627. An unemployed individual shall be eligible to  
4 receive benefits with respect to any week, only if the Commissioner  
5 of Labor finds:

6                   (1) He or she has registered for work at, and thereafter  
7 continued to report at, an employment office in accordance with  
8 such rules and regulations as the commissioner may prescribe,  
9 except that the commissioner may, by rule and regulation, waive or  
10 alter either or both of the requirements of this subdivision as to  
11 individuals attached to regular jobs and as to such other types of  
12 cases or situations, with respect to which he or she finds that  
13 compliance with such requirements, would be oppressive, or would be  
14 inconsistent with the purposes of the Employment Security Law,  
15 except that no such rule or regulation shall conflict with section  
16 48-623;

17                   (2) He or she has made a claim for benefits, in  
18 accordance with section 48-629;

19                   (3) He or she is able to work and is available for work.  
20 No individual, who is otherwise eligible, shall be deemed  
21 ineligible, or unavailable for work, because he or she is on  
22 vacation without pay during such week, if such vacation is not the  
23 result of his or her own action as distinguished from any  
24 collective action by a collective-bargaining agent or other action  
25 beyond his or her individual control, and regardless of whether he  
26 or she has not been notified of the vacation at the time of his or  
27 her hiring.   Receipt of a non-service-connected total disability  
28 pension by a veteran at the age of sixty-five or more shall not of

1   itself bar the veteran from benefits as not able to work. An  
2   otherwise eligible individual while engaged in a training course  
3   approved for him or her by the commissioner shall be considered  
4   available for work for the purposes of this section. An inmate in  
5   a penal or custodial institution shall be considered unavailable  
6   for work for the purposes of this section;

7           (4) He or she has been unemployed for a waiting period of  
8   one week. No week shall be counted as a week of unemployment for  
9   the purpose of this subdivision (a) unless it occurs within the  
10   benefit year, which includes the week with respect to which he or  
11   she claims payment of benefits, (b) if benefits have been paid with  
12   respect thereto, or (c) unless the individual was eligible for  
13   benefits with respect thereto, as provided in sections 48-627 and  
14   48-628, except for the requirements of this subdivision and of  
15   subdivision (6) of section 48-628;

16           (5) For any benefit year beginning on or before December  
17   31, 1998, he or she has, within his or her base period, been paid a  
18   total sum of wages for employment by employers equal to not less  
19   than one thousand two hundred dollars, of which sum at least four  
20   hundred dollars has been paid in each of two quarters in his or her  
21   base period, and for any benefit year beginning on or after January  
22   1, 1999, he or she has, within his or her base period, been paid a  
23   total sum of wages for employment by employers equal to not less  
24   than one thousand six hundred dollars, of which sum at least eight  
25   hundred dollars has been paid in each of two quarters in his or her  
26   base period, and subsequent to filing the claim which establishes  
27   the previous benefit year, the individual has insured work in at  
28   least four weeks. For the purposes of this subdivision, (a) wages

1 shall be counted as wages for insured work for benefit purposes  
2 with respect to any benefit year only if such benefit year begins  
3 subsequent to the date on which the employer, by whom such wages  
4 were paid, has satisfied the conditions of section 48-603 or  
5 subsection (3) of section 48-661, with respect to becoming an  
6 employer, and (b) with respect to weeks of unemployment beginning  
7 on or after January 1, 1978, wages for insured work for benefit  
8 purposes with respect to any benefit year shall include wages paid  
9 for services as defined by subdivision (4)(a), (b), (c), or (d) of  
10 section 48-604 to the extent that such services were not services  
11 in employment under subdivision (4)(a) of section 48-604 or section  
12 48-661 immediately prior to September 2, 1977, even though the  
13 employer by whom such wages were paid had not satisfied the  
14 conditions of subdivision (8), (9), (10), or (11) of section 48-603  
15 with respect to becoming an employer at the time such wages were  
16 paid except to the extent that assistance under Title II of the  
17 federal Emergency Jobs and Unemployment Assistance Act of 1974 was  
18 paid on the basis of such services; and

19 (6) He or she is participating in reemployment services  
20 at no cost to such individual as directed by the commissioner, such  
21 as job search assistance services, if the individual has been  
22 determined to be likely to exhaust regular benefits and to need  
23 reemployment services pursuant to a profiling system established by  
24 rule and regulation of the commissioner which is in compliance with  
25 section 303(j)(1) of the federal Social Security Act, unless the  
26 commissioner determines that: (a) The individual has completed  
27 such services; or (b) there is justifiable cause for the claimant's  
28 failure to participate in such services.

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1	Sec. 2.	Original section 48-627,	Reissue	Revised
2	Statutes of Nebraska, is repealed.			